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STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

Minutes
January 17, 2003

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1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East 14th Street**
4 **Des Moines, Iowa 50319-0147**

5
6 **Motions**

7
8 **January 17, 2003**
9
10

11 Anita Westerhaus moved, with a second by Jean Seeland, that the Board go
12 into closed session for the purposes of discussing whether to initiate licensee
13 disciplinary proceedings and discussing the decision to be rendered in a
14 contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

15 Roll call vote: Haigh – yes; Paulsen – yes; Aboud – yes; Westerhaus – yes;
16 Seeland – yes; Lewis – yes; Carter – yes; Chen – yes; Jeffrey – yes; and
17 Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

18
19 Jean Seeland moved, with a second by William Haigh, that in **case numbers**
20 **02-02** and **02-03**, the Board initiate review of the proposed decision to examine
21 whether the proposed sanction is appropriate in light of the findings. Roll call
22 vote: Jeffrey – yes; Chen – yes; Carter – yes; Lewis – yes; Seeland – yes;
23 Westerhaus – yes; Aboud – yes; Paulsen – yes; Haigh – yes; and Hathaway – yes.
24 **MOTION CARRIED UNANIMOUSLY.**

25
26 Anita Westerhaus moved, with a second by Jean Seeland, that in **case number**
27 **02-21**, the Board find that the evidence gathered in the investigation, due, in
28 part, to the witnesses' failure to cooperate and the lack of documentary
29 evidence, does not corroborate the allegations in the complaint, and that the
30 Board, therefore, lacks probable cause to proceed with this matter. Roll call
31 vote: Haigh – yes; Paulsen – yes; Aboud – yes; Westerhaus – yes; Seeland – yes;
32 Lewis – yes; Carter – yes; Chen – yes; Jeffrey – yes; and Hathaway – yes.
33 **MOTION CARRIED UNANIMOUSLY.**

1 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
2 **02-25**, the Board find probable cause to establish a violation of IAC 12.2(1),
3 12.3(1)(c), 13.9(4), 13.12(3), (4) and (8) and order this case set for hearing.
4 Roll call vote: Jeffrey – yes; Chen – yes; Carter – yes; Lewis – yes; Seeland – yes;
5 Westerhaus – yes; Aboud – yes; Paulsen – yes; Haigh – yes; and Hathaway – yes.
6 **MOTION CARRIED UNANIMOUSLY.**

7
8 Jean Seeland moved, with a second by William Haigh, that in **case number**
9 **02-22**, the Board extend the 180-day deadline for issuance of the final decision,
10 based upon delay in investigation due to other pending investigations. Roll call
11 vote: Haigh – yes; Paulsen – yes; Aboud – yes; Westerhaus – yes; Seeland – yes;
12 Lewis – yes; Carter – yes; Chen – yes; Jeffrey – yes; and Hathaway – yes.
13 **MOTION CARRIED UNANIMOUSLY.**

14
15 Anita Westerhaus moved, with a second by Jean Seeland, that in **case number**
16 **02-23**, the Board extend the 180-day deadline for issuance of the final decision,
17 based upon delay in investigation due to difficulties in scheduling interviews.
18 Roll call vote: Jeffrey – yes; Chen – yes; Carter – yes; Lewis – yes; Seeland – yes;
19 Westerhaus – yes; Aboud – yes; Paulsen – yes; Haigh – yes; and Hathaway – yes.
20 **MOTION CARRIED UNANIMOUSLY.**

21
22 Anita Westerhaus moved, with a second by Helen Lewis, to approve the
23 December 13, 2002, minutes, as distributed. **MOTION CARRIED**
24 **UNANIMOUSLY.**

25
26 Judy Jeffrey moved, with a second by Jean Seeland, to file under Notice of
27 Intended Action, the proposed changes to Chapter 14 that replace, with alpha
28 characters, the words “conditional” and “emergency” in the names of licenses.
29 Roll call vote: Haigh – yes; Paulsen – yes; Aboud – yes; Westerhaus – yes;
30 Seeland – yes; Lewis – yes; Carter – yes; Chen – yes; Jeffrey – yes; and
31 Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

1 John Aboud moved, with a second by Brian Carter, that **in PFW 02-27**, Edwin
2 Termuende, the Board deny the Petition for Waiver. Roll call vote: Haigh – yes;
3 Paulsen – yes; Aboud – yes; Westerhaus – yes; Seeland – yes; Lewis – yes;
4 Carter – yes; Chen – yes; Jeffrey – yes; and Hathaway – yes. **MOTION**
5 **CARRIED UNANIMOUSLY.**

6
7 John Aboud moved, with a second by Helen Lewis, that **in PFW 02-28**, Tamara
8 Lynn Baldes, the Board deny the Petition for Waiver. Roll call vote: Jeffrey –
9 yes; Chen – yes; Carter – yes; Lewis – yes; Seeland – yes; Westerhaus – yes;
10 Aboud – yes; Paulsen – yes; Haigh – yes; and Hathaway – yes. **MOTION**
11 **CARRIED UNANIMOUSLY.**

12
13 John Aboud moved, with a second by Thomas Paulsen, to file under Notice of
14 Intended Action, the proposed changes to Chapter 14 that clarify the criteria for
15 movement from an initial license to a standard license and that address those
16 with nonpublic or out-of-state experience. Roll call vote: Jeffrey – yes; Chen –
17 yes; Carter – yes; Lewis – yes; Seeland – yes; Westerhaus – yes; Aboud – yes;
18 Paulsen – yes; Haigh – yes; and Hathaway – yes. **MOTION CARRIED**
19 **UNANIMOUSLY.**

1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East Grand**
4 **Des Moines, Iowa 50319-0147**

5
6 **Minutes**
7 **January 17, 2003**
8

9 The Board of Educational Examiners held its monthly meeting on January 17,
10 2003. The meeting was called to order by the Board Vice-Chair, Peter
11 Hathaway, at 8:31 a.m. Members attending were John Aboud, Brian Carter,
12 Ying Ying Chen, William Haigh, Peter Hathaway, Judy Jeffrey, Helen Lewis,
13 Thomas Paulsen, Jean Seeland and Anita Westerhaus. Also in attendance were
14 Dr. Anne Kruse, Executive Director of the Board; Christie Scase, Assistant
15 Attorney General and legal counsel to the Board; Barbara Hendrickson, Board
16 Secretary; and other visitors. Board Member Veronica Stalker was unable to
17 attend the meeting, and Ms. Scase left at 10:27 a.m.

18
19 Anita Westerhaus moved, with a second by Jean Seeland, that the Board go
20 into closed session for the purposes of discussing whether to initiate licensee
21 disciplinary proceedings and discussing the decision to be rendered in a
22 contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).
23 Roll call vote: Haigh – yes; Paulsen – yes; Aboud – yes; Westerhaus – yes;
24 Seeland – yes; Lewis – yes; Carter – yes; Chen – yes; Jeffrey – yes; and
25 Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

26
27 The Board reconvened into open session at 9:19 a.m.

28
29 Jean Seeland moved, with a second by William Haigh, that in **case numbers**
30 **02-02** and **02-03**, the Board initiate review of the proposed decision to examine
31 whether the proposed sanction is appropriate in light of the findings. Roll call
32 vote: Jeffrey – yes; Chen – yes; Carter – yes; Lewis – yes; Seeland – yes;

1 Westerhaus – yes; Aboud – yes; Paulsen – yes; Haigh – yes; and Hathaway – yes.

2 **MOTION CARRIED UNANIMOUSLY.**

3
4 Anita Westerhaus moved, with a second by Jean Seeland, that in **case number**
5 **02-21**, the Board find that the evidence gathered in the investigation, due, in
6 part, to the witnesses' failure to cooperate and the lack of documentary
7 evidence, does not corroborate the allegations in the complaint, and that the
8 Board, therefore, lacks probable cause to proceed with this matter. Roll call
9 vote: Haigh – yes; Paulsen – yes; Aboud – yes; Westerhaus – yes; Seeland – yes;
10 Lewis – yes; Carter – yes; Chen – yes; Jeffrey – yes; and Hathaway – yes.

11 **MOTION CARRIED UNANIMOUSLY.**

12
13 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
14 **02-25**, the Board find probable cause to establish a violation of IAC 12.2(1),
15 12.3(1)(c), 13.9(4), 13.12(3), (4) and (8) and order this case set for hearing.
16 Roll call vote: Jeffrey – yes; Chen – yes; Carter – yes; Lewis – yes; Seeland – yes;
17 Westerhaus – yes; Aboud – yes; Paulsen – yes; Haigh – yes; and Hathaway – yes.

18 **MOTION CARRIED UNANIMOUSLY.**

19
20 Jean Seeland moved, with a second by William Haigh, that in **case number**
21 **02-22**, the Board extend the 180-day deadline for issuance of the final decision,
22 based upon delay in investigation due to other pending investigations. Roll call
23 vote: Haigh – yes; Paulsen – yes; Aboud – yes; Westerhaus – yes; Seeland – yes;
24 Lewis – yes; Carter – yes; Chen – yes; Jeffrey – yes; and Hathaway – yes.

25 **MOTION CARRIED UNANIMOUSLY.**

26
27 Anita Westerhaus moved, with a second by Jean Seeland, that in **case number**
28 **02-23**, the Board extend the 180-day deadline for issuance of the final decision,
29 based upon delay in investigation due to difficulties in scheduling interviews.
30 Roll call vote: Jeffrey – yes; Chen – yes; Carter – yes; Lewis – yes; Seeland – yes;
31 Westerhaus – yes; Aboud – yes; Paulsen – yes; Haigh – yes; and Hathaway – yes.

32 **MOTION CARRIED UNANIMOUSLY.**

1 Anita Westerhaus moved, with a second by Helen Lewis, to approve the
2 December 13, 2002, minutes, as distributed. **MOTION CARRIED**
3 **UNANIMOUSLY.**

4
5 Board Member Anita Westerhaus distributed a questionnaire she developed on
6 the topic of ethics for educators. She requested input from board members by
7 the March meeting (preferably sooner), as she formulates the direction of her
8 study during her sabbatical.

9
10 Board Member Helen Lewis gave an update on various issues facing the
11 community colleges as they transition with the Department of Education
12 through the elimination of licensure for faculty members.

13
14 Board Member Judy Jeffrey directed the Board to the Department of Education
15 website for the Iowa Professional Development Model that the department
16 designed under the Teacher Quality bill, which shows what high quality
17 professional development should look like. The department also released school
18 districts' self-evaluation of their own staff development plans. Department staff
19 members are also in the process of establishing, with experts across the state,
20 content area networks in reading, mathematics, and science, in order to comb
21 the research so that the department can provide for school districts and
22 teachers, the best information on research-based instructional strategies in
23 those content areas. Such data is required under No Child Left Behind and
24 Teacher Quality legislation.

25
26 Board Members John Aboud and Anita Westerhaus said they received positive
27 comments from those viewing the new licenses.

28
29 Board Vice-Chair Peter Hathaway asked if there were any public comments.
30 There were none.

31
32 Executive Director Dr. Anne Kruse reported briefly on a number of issues: the
33 new licenses are being distributed; a vacant staff position was filled; the joint

1 board meeting with the State Board of Education was rescheduled for
2 September 12; staff is reviewing endorsements that need revision; staff is
3 investigating the Western Governors University, a distance-learning university
4 for completion of teacher preparation and reciprocity within 19 states west of
5 the Mississippi River; the University of Phoenix has a distance-learning program
6 for alternative preparation, which will likely soon seek Iowa approval; the
7 hearing to implement legislation on crimes and founded child abuse reports
8 was held; Assistant Attorney Christie Scase will participate next week in a
9 district court case that was an outgrowth of a complaint; next week is also a
10 Joint Education Appropriations Committee meeting regarding Board budget
11 and functions; the Board received documentation of a waiver granted by
12 Education Department Director Ted Stilwill to adjust student teaching
13 requirements; the Executive Director will continue to update the Board on
14 pertinent legislative activities; and the Board was asked to review potential
15 board meeting dates through the end of the calendar year.

16
17 The Board next discussed proposed rules to alter the names of the various Iowa
18 conditional licenses by replacing the words “conditional” and “emergency” with
19 alpha characters. The terms to be changed appear to indicate to various
20 national surveys and federal interpretation that a person has not yet attained
21 minimal state licensure. The modifications would eliminate the need to explain
22 continually in such inquiries that all Iowa teachers are fully licensed and
23 properly endorsed. Judy Jeffrey moved, with a second by Jean Seeland, to file
24 under Notice of Intended Action, the proposed changes to Chapter 14 that
25 replace, with alpha characters, the words “conditional” and “emergency” in the
26 names of licenses. Roll call vote: Haigh – yes; Paulsen – yes; Aboud – yes;
27 Westerhaus – yes; Seeland – yes; Lewis – yes; Carter – yes; Chen – yes;
28 Jeffrey – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

29
30 The Board began review of proposed rules to clarify the criteria for an individual
31 to move from an initial license to a standard license and to address individuals
32 whose experience has been in a nonpublic school or out-of state. Due to a
33 desire to use language paralleling current rules on the topic filed by the

1 Department of Education, the Board tabled further examination until the exact
2 phraseology was available later in the meeting.

3
4 Edwin Termuende requested a waiver of the requirement for three years of
5 elementary teaching experience prior to issuance of an elementary
6 administrator license. He served as an elementary administrator out-of-state
7 and now accepted a position as administrator of an Iowa accredited nonpublic
8 school. He holds no Iowa license, his Illinois K-14 administrative license
9 expired, and he provided no information about the scope of his teaching
10 experience. The Board believed that Mr. Termuende or his employer should
11 have verified Mr. Termuende's eligibility to obtain an appropriate Iowa
12 administrator's license before the position was offered and accepted. John
13 Aboud moved, with a second by Brian Carter, that **in PFW 02-27**, Edwin
14 Termuende, the Board deny the Petition for Waiver. Roll call vote: Haigh – yes;
15 Paulsen – yes; Aboud – yes; Westerhaus – yes; Seeland – yes; Lewis – yes;
16 Carter – yes; Chen – yes; Jeffrey – yes; and Hathaway – yes. **MOTION**
17 **CARRIED UNANIMOUSLY.**

18
19 Tamara Lynn Baldes filed a petition to waive the student teaching requirement
20 associated with obtaining the 7-12 learning disabilities endorsement. She holds
21 an initial license with the elementary learning disabilities endorsement. She
22 had three and one-half years of experience as an associate in an alternative
23 high school. Ms. Baldes is eligible to obtain a conditional license allowing her
24 to teach 7-12 learning disabilities while she completes the requirements for
25 licensure in this area. John Aboud moved, with a second by Helen Lewis, that
26 **in PFW 02-28**, Tamara Lynn Baldes, the Board deny the Petition for Waiver.
27 Roll call vote: Jeffrey – yes; Chen – yes; Carter – yes; Lewis – yes; Seeland – yes;
28 Westerhaus – yes; Aboud – yes; Paulsen – yes; Haigh – yes; and Hathaway – yes.
29 **MOTION CARRIED UNANIMOUSLY.**

30
31 The Board recessed from 10:27 a.m. to 10:45 a.m.

1 Executive Director Dr. Anne Kruse briefed the Board on the status of a prefiled
2 bill submitted by the Department of Elder Affairs. The Executive Directors of
3 the Medical, Dental, and Nursing Boards had joined Dr. Kruse in encouraging
4 the department to pull the bill, but it did not. The bill would eliminate the
5 combined child and dependent adult abuse course and require two separate
6 clock hours of training in each area. This would impose considerable burden
7 on 50,000 educators. Also, enormous amounts of time had been taken to
8 review hundreds of combined courses, and it would take hundreds of additional
9 hours for review of separate programs. The Board agreed that Dr. Kruse's
10 stance represented a consensus of the Board.

11
12 The Board discussed a requirement for practitioners to display their license(s).
13 While not desiring to burden practitioners with an additional mandate, the
14 Board would like, nevertheless, to promote pride and professionalism among
15 the schools' certified staff. Board members suggested other ideas to promote
16 display, outside of rule.

17
18 The Board returned to the subject of proposed rules on a standard license,
19 which had been tabled earlier. John Aboud moved, with a second by Thomas
20 Paulsen, to file under Notice of Intended Action, the proposed changes to
21 Chapter 14 that clarify the criteria for movement from an initial license to a
22 standard license and that address those with nonpublic or out-of-state
23 experience. Roll call vote: Jeffrey – yes; Chen – yes; Carter – yes; Lewis – yes;
24 Seeland – yes; Westerhaus – yes; Aboud – yes; Paulsen – yes; Haigh – yes; and
25 Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

26
27 The Board recessed for lunch at 11:15 a.m. and reconvened at 12:17 p.m.

28
29 The Board revisited the topic of removal of endorsements at the request of the
30 practitioner. The consensus of the Board was to take no formal action at this
31 time, but the licensure bureau will monitor inquiries of that nature made to the
32 office.

1 The Board pondered concerns about the wording and possible implications of
2 the Teacher Quality bill in the areas of the mentoring and induction
3 requirement; the Iowa Teaching Standards; the Evaluator Training Program;
4 and the Evaluator License. Board Member Judy Jeffrey responded to a number
5 of queries about the bill.

6

7 Executive Director Dr. Anne Kruse alerted the Board to her request to the
8 Governor's office that he meet with the Board on Thursday afternoon or Friday
9 morning prior to the March 7 board meeting.

10

11 There being no further business, Board Vice-Chair Peter Hathaway adjourned
12 the meeting at 1:20 p.m.